

SUPREME COURT OF COLORADO

People v. Stephenson

159 P.3d 617 (Colo. 2007) · No. 07SA16 · Decided June 11, 2007

SUMMARY

The Supreme Court of Colorado considered whether Christopher Stephenson was in custody for purposes of *Miranda v. Arizona* when questioned about methamphetamine found during a roadside vehicle search. The court held that retaining his driver's license, directing him to remain in or exit the vehicle, and questioning him about the drugs did not restrain him to a degree tantamount to formal arrest. It reversed the trial court's order suppressing his statements.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Eid
JURISDICTION	Colorado
DECIDED	June 11, 2007
DOCKET	07SA16
DISPOSITION	reversed
PROCEDURAL POSTURE	The prosecution brought an interlocutory appeal from an order of the Pueblo County District Court suppressing statements made by Stephenson during police questioning.
STANDARD OF REVIEW	The trial court's factual findings are reviewed deferentially, but the legal determination of custody for <i>Miranda</i> purposes is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Colorado, decided en banc.
PARTIES	The People of the State of Colorado v. Christopher George Stephenson

TOPICS

- miranda rights
- fifth amendment
- suppression of evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Stephenson was in custody for purposes of Miranda when Deputy Post questioned him about methamphetamine found in the vehicle.
2. Whether the retention of Stephenson's driver's license, instructions to remain in or exit the vehicle, and direction to stand near the bridge during the consensual search constituted restraint equivalent to a formal arrest.

HOLDINGS

1. Miranda custody requires more than a seizure or an encounter in which a reasonable person would not feel free to leave; the relevant question is whether a reasonable person would believe that he was restrained to a degree associated with a formal arrest.
2. Stephenson was not in custody when questioned about the methamphetamine because retaining his driver's license, directing him to remain in the vehicle during a records check, and directing him to stand outside the vehicle during a consensual search did not restrain him to a degree tantamount to formal arrest.
3. Deputy Post's statement, 'Come on, I found this . . . right in your seat,' did not independently establish Miranda custody under the totality of the circumstances.

KEY QUOTATIONS

“To determine custody for Miranda purposes, “the question is not whether a reasonable person would believe he was not free to leave, but rather whether such a person would believe he was in police custody of the degree associated with a formal arrest.”” (159 P.3d at 620)

“In sum, the factors upon which the trial court relied the request and retention of the driver's license, coupled with the instruction to exit the vehicle and stand next to the bridge while the search of the vehicle was conducted do not amount to custody because they are not tantamount to a formal arrest.” (159 P.3d at 623)

FACTUAL BACKGROUND

Deputy Post encountered Stephenson and another man beside a vehicle stopped late at night with its hazard lights on. Post requested Stephenson's driver's license, retained it while checking the vehicle's registration, obtained consent to search the vehicle, and directed Stephenson and his passenger to stand behind the vehicle near a bridge during the search. After finding a baggie of suspected methamphetamine, Post questioned Stephenson without giving Miranda warnings, and Stephenson admitted that the baggie belonged to him.

PROCEDURAL HISTORY

After Deputy Post discovered methamphetamine in a vehicle during a roadside search, Stephenson made statements admitting ownership of the drugs. The district court ruled that Stephenson was not in custody before the search but was in custody when questioned afterward, and suppressed the post-search statements because he had not received Miranda warnings. The prosecution appealed, and the Colorado Supreme Court reversed.

DISPOSITION

reversed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- *People v. Breidenbach*, 875 P.2d 879, 887 (Colo. 1994)
- *People v. Jackson*, 39 P.3d 1174, 1182, 1188-89 (Colo. 2002)
- *Florida v. Bostick*, 501 U.S. 429, 439, 111 S. Ct. 2382, 115 L. Ed. 2d 389 (1991)
- *People v. Polander*, 41 P.3d 698, 701, 705 (Colo. 2001)
- *People v. Dracon*, 884 P.2d 712, 716-17 (Colo. 1994)
- *People v. Matheny*, 46 P.3d 453, 459, 462-64, 468 (Colo. 2002)
- *People v. Minjarez*, 81 P.3d 348, 357 (Colo. 2003)
- *People v. Reddersen*, 992 P.2d 1176, 1181 (Colo. 2000)
- *People v. Wallace*, 724 P.2d 670, 674 (Colo. 1986)
- *People v. Archuleta*, 719 P.2d 1091, 1092 (Colo. 1986)
- *People v. Taylor*, 41 P.3d 681 (Colo. 2002)
- *People v. Thomas*, 839 P.2d 1174, 1177-79 (Colo. 1992)
- *People v. Paynter*, 955 P.2d 68, 73, 75 (Colo. 1998)
- *United States v. Jones*, 933 F.2d 807 (10th Cir. 1991)
- *People v. Adkins*, 113 P.3d 788, 791 (Colo. 2005)

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